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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR-07-00675 JF (PVT)
12)
Plaintiff,) UNOPPOSED MOTION TO MODIFY
13 vs.) CONDITIONS OF PRETRIAL RELEASE
14)
DAVID HINKEL,)
15 Defendant.)
16 _____)

17 Defendant David Hinkel, by and through counsel, hereby moves this Court for an order
18 modifying his conditions of pretrial release, to permit him to reside with his parents upon his
19 successful completion of the New Bridge Foundation residential treatment program. This motion
20 is based upon this motion and the accompanying declaration of counsel. This motion is
21 unopposed.

22 Mr. Hinkel has pled guilty to fraud in connection with access devices, in violation of 18
23 U.S.C. §§ 1029(a)(1) and (c)(1)(A)(i). He has not yet been sentenced. Mr. Hinkel is out of
24 custody and is currently a resident at the New Bridge residential treatment program in Oakland.
25 As of August 4, 2008, Mr. Hinkel will have successfully completed six months at New Bridge.
26 His period of residential treatment concludes at that time, as well. At that time, Mr. Hinkel

1 would like to go to live with his parents and his child at his parents' house, which is located at
2 193 Wyandotte Drive in San Jose, California. His parents agree to Mr. Hinkel residing with
3 them.

4 The Federal Public Defender has spoken with Abby Medcalf, Director of Program
5 Operations for the New Bridge Foundation. Dr. Medcalf advised that, upon completion of the
6 residential program, Mr. Hinkel will be required to participate in the New Bridge Foundation
7 After Care Program. That program includes weekly group therapy sessions and random drug
8 testing. Each participant remains in the program for one year.

9 Defense counsel has spoken with Pretrial Services Officer Victoria Gibson, who has
10 advised that she has no objection to the requested modification, provided that the other terms
11 and conditions of release remain in force. Those conditions include a requirement that Mr.
12 Hinkel refrain from any use or unlawful possession of a narcotic drug and other controlled
13 substances without a legal prescription, and that he participate in drug counseling and submit to
14 drug testing as directed by Pretrial Services.

15 Defense counsel has spoken with Assistant United States Attorney Eumi Choi, who has
16 advised that she has no objection to the requested modification, provided that Mr. Hinkel is
17 required to submit to drug testing and to participate in the New Bridge Foundation After Care
18 Program, that he seek gainful employment, and that he fully comply with all conditions of
19 release.

20 For the reasons set forth above, it is respectfully requested that Mr. Hinkel's conditions of
21 release be modified to allow him to reside with his parents and child at 193 Wyandotte Drive in

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1 San Jose, California, upon his successful completion of the New Bridge residential treatment
2 program.

3 Date: July 28, 2008

4 Respectfully submitted,

5 BARRY J. PORTMAN
6 Federal Public Defender

7 /s/

8 NICHOLAS P. HUMY
9 Assistant Federal Public Defender
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